

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FREDERICK GEORGE ROEHLER  
II,  
Plaintiff,  
v.  
L. LUNDY, et al.,  
Defendants.

Case No. 2:24-cv-01269-JWH-SSC

**ORDER ACCEPTING  
FINDINGS, CONCLUSIONS,  
AND RECOMMENDATIONS OF  
UNITED STATES  
MAGISTRATE JUDGE**

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed all of the  
2 records herein and the Report and Recommendation of United States  
3 Magistrate Judge to which no objections were filed. The Court hereby  
4 **ORDERS** as follows:

5 1. The findings and conclusions of the Magistrate Judge in the  
6 Report and Recommendation are **ACCEPTED**.

7 2. Defendants' motion to dismiss (ECF 21) is **GRANTED in**  
8 **part** and **DENIED in part**, as follows.

9 a. Defendants' motion to dismiss is **DENIED** with respect  
10 to Plaintiff's Eighth Amendment claim against Defendants Doe  
11 No. 1, Prolo, and Sodergren.

12 b. Defendants' motion to dismiss is **GRANTED** with  
13 respect to Plaintiff's Eighth Amendment claim against Defendants  
14 Lundy, Johnson, Ulstad, Williams, and Rivera.

15 c. Defendants' motion to dismiss also is **GRANTED** as to  
16 Plaintiff's Fourteenth Amendment and ADA claims against all  
17 defendants.

18 d. Plaintiff's Eighth Amendment claim against  
19 Defendants Lundy, Johnson, Ulstad, Williams, and Rivera, and  
20 Plaintiff's Fourteenth Amendment and ADA claims, are  
21 **DISMISSED without prejudice and with leave to amend**.

22 3. Within 30 days of this order, Plaintiff shall file one of the  
23 following, as outlined in the Report and Recommendation:

24 a. a notice of intent to proceed on his Eighth Amendment  
25 claim against Defendants Doe No. 1, Prolo, and Sodergren **ONLY**;  
26 or

27  
28

1 b. a Second Amended Complaint.

## 2 IT IS SO ORDERED.

4 | DATED:December 30, 2024

HONORABLE JOHN W. HOLCOMB  
UNITED STATES DISTRICT JUDGE